

**c.) Remarks**

**Outstanding Restriction Requirement**

Applicants hereby correct the failure to properly elect species as per the office action of December 17, 2002. Applicants misunderstood the examiners requirement in that office action.

Applicants respectfully traverse the restriction requirement relating to claims of Groups IV and V. Applicants assert that the claims of Groups IV and V constitute a single invention for the following reasons. Claim 12 relates to a DAOCS enzyme which is modified in the binding site for the side chain of penicillin N. Claim 13 is directed to a modified DAOCS in which the penicillin/cephalosporin binding site of the DAOCS is modified. Applicants assert that both claims relate to DAOCS that are modified within the binding site for penicillin N, either within the penicillin group binding site or within the side chain for penicillin N. If the Examiner is not persuaded by these arguments, Applicants respectfully elect, with traverse, the claims of Group IV (claims 12 and 14, 15, 37-41, 43, 46-48, 50, 52, 54-59, 61, and 64-66).

**Outstanding Election of Species Requirement**

Regarding the outstanding election of species requirement, Applicants elect Leu 158. Applicants believe that this response satisfies both the invention and species restriction in the present action. Applicants had previously submitted a Preliminary Amendment (on June 23, 2000) in the present application. In a telephone discussion with Examiner Borin on May 6, 2003, Applicants have learned that this amendment was never entered. A copy of the amendment is appended along with a copy of the return postcard evidencing the submission of the amendment. As per Applicants discussion with Examiner Borin, this response is being

written with respect to claims that should properly be pending if the Preliminary Amendment which entered.


**d.) Conclusions**

In light of the arguments made herein, Applicants assert that the claims of Groups IV and V (claims 12-14) constitute a single invention. If the Examiner is not persuaded by the arguments provided herein, Applicants then elect the claims of Group IV, with traverse. With respect to the election of species requirement, Applicants elect Leu 158. Applicants are proceeding as if the Preliminary Amendment of June 23, 2000 was entered in this case, as per their discussion with Examiner Borin of May 6, 2003. With this response, Applicants are including a copy of the previously submitted Preliminary Amendment, along with a copy of the return postcard evidencing the submission of the amendment.

Applicants include a payment of \$110.00 with this filing for a 1 month extension of time. It is believed that these are the only fees due with the filing of this response. However, if Applicants are in error, the Commissioner is hereby authorized to draw any additional fees associated with this filing from Deposit Account No. 06-2375, under Order No. P02005US0/10020482, from which the undersigned is authorized to draw.

Respectfully submitted,

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**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. ET575268752US, in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date shown below.

Date: August 15, 2003

By  (Pamela Tincha)